



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	Board of Professional Counseling, Dept. of Health Professions
<b>VAC Chapter Number:</b>	18 VAC 115-20-10 et seq., 18 VAC 115-50-10 et seq., and 18 VAC 115-60-10 et seq.
<b>Regulation Title:</b>	Regulations Governing the Practice of Professional Counseling; Regulations Governing the Practice of Marriage and Family Therapist; Regulations Governing the Practice of Substance Treatment Practitioners
<b>Action Title:</b>	Continuing Competency Requirements
<b>Date:</b>	April 3, 2003

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

In compliance with a statutory mandate, the Board is proposing continuing competency requirements for the renewal of licensure as a Professional Counselor, Marriage and Family Therapist, and Substance Abuse Treatment Practitioner. The Board is proposing a requirement of 20 hours of continuing competency coursework per year. The proposal includes a provision for an inactive licensure status to accommodate individuals who are not actively practicing and who may be unable to meet the continuing competency requirements.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Chapter 430 of the 2002 Acts of the Assembly adds section 54.1-3505.1 which mandates that the Board establish requirements for evidence of continued competency as a condition of renewal of license.

### ***§ 54.1-3505.1. Continued competency requirements***

*The Board shall promulgate regulations establishing requirements for evidence of continued competency as a condition of renewal of a license under the provisions of this chapter. The Board may approve persons who provide or accredit continuing education programs in order to accomplish the purposes of this section. The Board shall have the authority to grant exemptions or waivers or to reduce the number of continuing education hours required in cases of certified illness or undue hardship.*

The Board is authorized under § 54.1-103 to specify additional training or conditions for renewal of a license.

### ***§ 54.1-103. Additional training of regulated persons; reciprocity; endorsement***

- A. *The regulatory boards within the Department of Professional and Occupational Regulation and the Department of Health Professions may promulgate regulations specifying additional training or conditions for individuals seeking certification or licensure, or for the renewal of certificates or licenses.*
- B. *The regulatory boards may enter into agreements with other jurisdictions for the recognition of certificates and licenses issued by other jurisdictions.*
- C. *The regulatory boards are authorized to promulgate regulations recognizing licenses or certificates issued by other states, the District of Columbia, or any territory or possession of the United States as full or partial fulfillment of qualifications for licensure or certification in the Commonwealth.*

*Section 54.1-2400 establishes duties of health regulatory boards to establish necessary qualifications for registration, certification or licensure, to ensure the competence and integrity of regulated practitioners, to examine applicants, to establish renewal schedules, to administer fees to cover the administrative expenses of the regulatory program, to take disciplinary action for violations of law and regulations and to establish requirements for an inactive licensure status.*

§ 54.1-2400. *General powers and duties of health regulatory boards.*

*The general powers and duties of health regulatory boards shall be:*

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- 4. To establish schedules for renewals of registration, certification and licensure.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title.*
- 7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate or license which such board has authority to issue for causes enumerated in applicable law and regulations.*
- 8. To appoint designees from their membership or immediate staff to coordinate with the Intervention Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ [54.1-2515](#) et seq.) of this title. Each health regulatory board shall appoint one such designee.*
- 9. To take appropriate disciplinary action for violations of applicable law and regulations.*
- 10. To appoint a special conference committee, composed of not less than two members of a health regulatory board, to act in accordance with § [2.2-4019](#) upon receipt of information that a practitioner of the appropriate board may be subject to disciplinary action. The special conference committee may (i) exonerate the practitioner; (ii) reinstate the practitioner; (iii) place the practitioner on probation with such terms as it may deem appropriate; (iv) reprimand the practitioner; (v) modify a previous order; and (vi) impose a monetary penalty pursuant to § [54.1-2401](#). The order of the special conference committee shall become final thirty days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the thirty-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § [2.2-4020](#), and the action of the committee shall be vacated. This subdivision shall not be construed to affect the authority or procedures of the Boards of Medicine and Nursing pursuant to §§ [54.1-2919](#) and [54.1-3010](#).*
- 11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § [2.2-4020](#), decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who*

*participates in an informal proceeding conducted in accordance with § 2.2-4019 shall serve on a panel conducting formal proceedings pursuant to § 2.2-4020 to consider the same matter.*

*12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.*

The web site address for located the text of these statutes is <http://www.leg1.state.va.us>.

The Office of the Attorney General has certified by letter that the Board has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

Chapter 430 of the 2002 Acts of the Assembly provides for a specific mandate in § 54.1-3505.1 for the Board to develop continuing competency requirements for licensure renewal. In compliance with this mandate, the Board adopted a proposed regulation setting forth an hour requirement, approved categories of activities, approved providers and instructions for documentation of compliance. The Board has also included a provision for an inactive licensure status to allow practitioners who are not actively practicing professional counseling, marriage and family therapy; and substance abuse treatment in Virginia to defer the continuing competency requirement until they reactivate the license.

In developing the requirements, the Board contemplated the financial and time burdens the requirements might have on licensees, and at the same time strove to develop a meaningful standard that would assure continued competency to protect the public health, safety and welfare. For alternatives the Board considered the continuing education requirements of other state counseling boards, other professional counseling organizations and associations, as well as the requirements of other boards in the Department of Health Professions. The Board also considered public comment regarding the content of the training. The Board considered a range of hours from 10 to 40 per year, and selected 20 hours as a reasonable number of hours compared with the requirements in other states.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

The Board is recommending amendments to its regulations to comply with a 2002 General Assembly mandate for continuing competency essential to protect the health, safety, and welfare of the public who receive counseling services from licensed practitioners. In complying with the mandate to establish continuing competency requirements, the Board has determined what types of education would be most meaningful for each of the licensure categories it regulates, while considering the cost and availability of education to licensees in a wide variety of practice situations in both metropolitan and rural areas of the state.

The statute also authorized the Board to approve and register providers of continuing competency/education meeting certain criteria. The Board, had to determine the optimal method for ensuring the credibility of providers and the quality of their programs without increasing the cost and administrative burden of operating the licensure program.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

### **1) The primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions:**

Since the public often relies on the professional judgment of professional counselors, marriage and family therapists, and substance abuse treatment practitioners continued education of practice would be advantageous to the public. There are no disadvantages to the public or to individual businesses, which are not affected by these regulations.

### **2) The primary advantages and disadvantages to the agency or the Commonwealth:**

The fee structure set in regulation is intended to ensure that costs related to specific activities are borne by the applicants or certificate holders. Agencies of the Commonwealth that offer behavioral health assessment and treatment may benefit from having licensed providers who have more specific training for their job.

The Board will incur additional costs to monitor compliance of licensees, and to hold additional disciplinary hearings for individuals who do not comply with the requirement. With the passage of HB 1441 (2003 General Assembly) the Board will be able to resolve some cases of noncompliance with a "Confidential Consent Agreement," thereby keeping the number of disciplinary proceedings low and the additional costs at reasonable limits.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

### **Projected cost to the state to implement and enforce:**

(i) Fund source: As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners or entities for necessary functions of regulation.

(ii) Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.

(iii) One-time versus ongoing expenditures: The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending copies of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and Board meetings already scheduled.

There will be some additional ongoing costs for monitoring compliance of licensees with the requirements. Compliance monitoring will incur additional costs for the Board depending on the number of licensees audited each year. Generally, less than 5% of licensees are audited for other Boards within the Department of Health Professions. For an auditing range of 2% to 5% of licensees at an estimate of 15 minutes per file reviewed at \$50 per hour, the cost to the Board could range from \$1000 to \$2500 per renewal period, plus \$100 to \$350 in mailing costs to notify licensees that they are being audited. Additional costs will be incurred to hold disciplinary hearings for individuals who are not in compliance with the requirement. Each hearing will cost approximately \$550. It is likely there will be an increase in disciplinary hearings to individuals who are found not to comply with the regulations. With the passage of HB 1441 (2003 General Assembly) it is likely that the Board will be able to resolve most cases of noncompliance with a "Confidential Consent Agreement." There is no estimate of what percentage of licensees will not comply with the requirements.

### **Projected cost on localities:**

There are no projected costs to localities.

### **Description of entities that are likely to be affected by regulation:**

The entities that are likely to be affected by these regulations would be professional counselors, marriage and family therapists, and substance abuse treatment practitioners licensed by the Board of Counseling.

**Estimate of number of entities to be affected:**

Currently, there are approximately 2,653 persons licensed as professional counselors, 871 persons licensed as marriage and family therapists, and 139 licensed as substance abuse treatment practitioners in the Commonwealth.

**Projected costs of the regulation to the affected entities:**

Individuals employed by agencies and institutions will be more likely to have their continuing competency provided at the work site or have the opportunity to be reimbursed for their educational expenses. Licensees who are employed in private settings where free training is not likely to be offered will be required to pay for their own courses. The cost per contact hour for workshops offered by professional associations or college courses ranges from approximately \$10 to \$20 per contact hour, which would range from \$300 to \$600 each biennium to cover the full 20-hour requirement. Individuals who attend professional association meetings are sometimes able to have all or part of the cost covered by their employers. The Board addressed other training venues that would not involve travel, such as distance learning, internet courses and interactive tele-training, and developed the regulation to allow for a variety of course settings. These types of training range from \$15 to several hundred dollars per course, depending on length and complexity of the material.

Some hours may be obtained through individual professional activities at no cost. Example of individual professional activities for which hours would be accepted include: publication of articles in refereed journals; publication of books; presentations; new program development; dissertation; and leadership roles as a member or officer of a state or national counseling organization.

## Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

### CHAPTER 20.

#### REGULATIONS GOVERNING THE PRACTICE OF PROFESSIONAL CONSELING.

##### PART I.

##### GENERAL PROVISIONS

**18 VAC 115-20-20. Fees required by the board.**

- The Board proposes amending this section by including a fee for inactive annual licensure renewal.

**PART IV.**

**LICENSURE RENEWAL; REINSTATEMENT.**

**18 VAC 115-20-100. Annual Renewal of licensure.**

- The Board proposes amending this section by including a requirement to document continuing education and adding inactive licensure status. In order to allow a full renewal period for licensees to obtain the required hours, compliance will not be required to be documented until after the 2005 renewal date. The inactive status may provide an exemption to the continuing education requirement for individuals who, for reasons such as illness, military service or relocation to another state or country, or are not actively practicing professional counseling in Virginia.

**18 VAC 115-20-105. Continued competency requirements for renewal of a license.**

- This new proposed section provides that licensees will begin accruing the hours following renewal in 2004. This section also sets forth a minimum of 20 hours of continuing competency, a minimum of two of these hours shall be in courses that emphasize the ethics, standards of practice or laws governing behavioral science professions in Virginia.
- The proposed regulation provides for the exemption or extension of the requirement for special circumstances. This section also provides that individuals dually licensed by this Board will not be required to obtain continuing competency for each license.

**18 VAC 115-20-106. Continuing competency activity criteria.**

- This new proposed section specifies that the training must be relevant to the scope of practice for the area of licensure held and that the continuing competency activities must focus on increasing knowledge or skills in the behavioral science profession. This new proposed section also cites certain types of institutions and organizations that the Board will recognize as approved providers of continuing competency. Likewise, this new section also cites certain types of specific formally organized and individual professional activities that the Board may consider acceptable for continuing competency.

**18 VAC 115-20-107. Documenting compliance with continuing competency requirements.**

- This new section outlines the type of documentation that the Board will accept when monitoring compliance of licensees and sets forth a maintenance requirement for that documentation. This new section specifies that continuing competency hours required by a disciplinary order shall not be used to satisfy renewal requirements.

**18 VAC 115-20-110. Late renewal; reinstatement.**

- The Board proposes amendments to this section to establish a requirement for documentation of continued competency hours for individuals who are reinstating either a lapsed or inactive license.

**PART VI.  
STANDARDS OF PRACTICE  
UNPROFESSIONAL CONDUCT, DISCIPLINARY ACTIONS;  
REINSTATEMENT**

**18 VAC 115-20-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.**

- The Board proposes amendment to this section to allow for the disciplinary action of licensees who fail to comply with continuing competency requirements set forth in this chapter.

**CHAPTER 50.**

**REGULATIONS GOVERNING THE PRACTICE OF MARRIAGE AND FAMILY  
THERAPY.**

**PART I.  
GENERAL PROVISIONS.**

**18 VAC 115-50-20. Fees.**

- The Board proposes amending this section by including a fee for inactive annual licensure renewal.

**PART IV.  
RENEWAL AND REINSTATEMENT OF LICENSE.**

**18 VAC 115-50-90. Annual renewal of license.**

- The Board proposes amending this section by including a requirement to document continuing education and adding inactive licensure status. In order to allow a full renewal period for licensees to obtain the required hours, compliance will not be required to be documented until after the 2005 renewal date. The inactive status may provide an exemption to the continuing education requirement for individuals who, for reasons such as illness, family leave or relocation to another state or country, or are not actively practicing marriage and family therapy in Virginia.

**18 VAC 115-50-95. Continued competency requirements for renewal of license.**

- This new proposed section provides that licensees will begin accruing the hours following renewal in 2004. This section also sets forth a minimum of 20 hours of continuing competency; a minimum of two of these hours shall be in courses that emphasize the ethics, standards of practice or laws governing behavioral science professions in Virginia.
- The proposed regulation provides for the exemption or extension of the requirement for special circumstances. This section also provides that individuals dually licensed by this Board will not be required to obtain continuing competency for each license.

**18 VAC 115-50-96. Continuing competency activity criteria.**

- This new proposed section specifies that the training must be relevant to the scope of practice for the area of licensure held and that the continuing competency activities must focus on increasing knowledge or skills in the behavioral science profession. This new proposed section also cites certain types of institutions and organizations that the Board will recognize as approved providers of continuing competency. Likewise, this new section also cites certain types of specific formally organized and individual professional activities that the Board may consider acceptable for continuing competency.

**18 VAC 115-50-97. Documenting compliance with continuing competency requirements.**

- This new section outlines the type of documentation that the Board will accept when monitoring compliance of licensees and sets forth a maintenance requirement for that documentation. This new section specifies that continuing competency hours required by a disciplinary order shall not be used to satisfy renewal requirements.

**18 VAC 115-50-100. Late renewal, reinstatement.**

- The Board proposes amendments to this section to establish a requirement for documentation of continued competency hours for individuals who are reinstating either a lapsed or inactive license.

**PART VI  
DISCIPLINARY ACTION**

**18 VAC 115-50-120. Disciplinary action.**

- The Board proposes amendment to this section to allow for the disciplinary action of licensees who fail to comply with continuing competency requirements set forth in this chapter.

**CHAPTER 60.**

**REGULATIONS GOVERNING THE PRACTICE OF SUBSTANCE ABUSE  
TREATMENT PRACTITIONERS.**

**PART I.  
GENERAL PROVISIONS.**

**18 VAC 115-60-20. Fees required by the board.**

- The Board proposes amending this section by including a fee for inactive annual licensure renewal.

**PART IV.**

## **LICENSE RENEWAL; REINSTATEMENT.**

### **18 VAC 115-60-110. Renewal of licensure.**

- The Board proposes amending this section by including a requirement to document continuing education and adding inactive licensure status. In order to allow a full renewal period for licensees to obtain the required hours, compliance will not be required to be documented until after the 2005 renewal date. The inactive status may provide an exemption to the continuing education requirement for individuals who, for reasons such as illness, family leave or relocation to another state or country, or are not actively practicing marriage and substance abuse treatment practitioners in Virginia.

### **18 VAC 115-60-115. Continued competency requirements for renewal of a license.**

- This new proposed section provides that licensees will begin accruing the hours following renewal in 2004. This section also sets forth a minimum of 20 hours of continuing competency; a minimum of two of these hours shall be in courses that emphasize the ethics, standards of practice or laws governing behavioral science professions in Virginia.
- The proposed regulation provides for the exemption or extension of the requirement for special circumstances. This section also provides that individuals dually licensed by this Board will not be required to obtain continuing competency for each license.

### **18 VAC 115-60-116. Continuing competency activity criteria.**

- This new proposed section specifies that the training must be relevant to the scope of practice for the area of licensure held and that the continuing competency activities must focus on increasing knowledge or skills in the behavioral science profession. This new proposed section also cites certain types of institutions and organizations that the Board will recognize as approved providers of continuing competency. Likewise, this new section also cites certain types of specific formally organized and individual professional activities that the Board may consider acceptable for continuing competency.

### **18 VAC 115-60-117. Documenting compliance with continuing competency requirements.**

- This new section outlines the type of documentation that the Board will accept when monitoring compliance of licensees and sets forth a maintenance requirement for that documentation. This new section specifies that continuing competency hours required by a disciplinary order shall not be used to satisfy renewal requirements.

### **18 VAC 115-60-120. Late renewal; reinstatement.**

- The Board proposes amendments to this section to establish a requirement for documentation of continued competency hours for individuals who are reinstating either a lapsed or inactive license.

**PART V.  
STANDARDS OF PRACTICE  
UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS;  
REINSTATEMENT**

**18 VAC 115-60-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of renewal of license.**

- The Board proposes amendment to this section to allow for the disciplinary action of licensees who fail to comply with continuing competency requirements set forth in this chapter.

**Alternatives**

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

Members of the Board's Regulatory, Supervision and Legislative Committee studied the continuing competency requirements of other state counseling boards as well as the continuing competency requirements of counseling professional associations. Representatives of the counseling related professions as well as other behavioral science associations were invited to attend meetings and join in discussion about the requirements. The Board was interested in a model that would allow some credit for independent study for professional activities such as publication of a professional article, as well as official service on a regulatory board or association. In that the statute did not set an hour requirement, the Board had leeway in the number of hours that would be required per year.

In an attempt to remain consist with other behavioral science boards in the Agency, the Board selected a requirement of 20 hours per year, two of which must be in courses that emphasize the ethics, standards of practice or laws governing behavioral science professions in Virginia. In the initial stages of this process, representatives of the professional organizations reported an interest in having the regulations include a requirement for some training in ethics. The Board agreed that reinforcement of training in professional ethics would be beneficial to both practitioners and clients, by reminding counseling professionals of the importance of maintaining professional boundaries. The Board took into consideration that requiring too many hours in this area, which is somewhat limited in scope, could result in redundancy for the licensees.

The Board recognized that contemporary education is increasingly provided in a distanced learning milieu, which is easily accessible and can be of good quality. Likewise, the Board also acknowledged the value of peer interaction, especially for practitioners who practice in isolation with little exchange of ideas with other professionals. As a result the Board has proposed a

combination of acceptable forms of continuing competency that will encourage peer interaction, while providing the flexibility to obtain other types of training.

In establishing a fee for inactive licensure and requirements for reactivation of a license, the Board considered the regulations of other boards in the agency's Principle for Fee Development. The Board is proposing an inactive licensure fee of half the active licensure fee and a reactivation requirement of a maximum of four year's continuing competency, which is consistent with the requirements of other boards in the agency.

### Public Comment

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

The Virginia Board of Counseling accepted comments pursuant to a Notice of Public Comment that was published in the Virginia Registrar on August 12, 2002, Volume 18 Issue 24. Comments were accepted from the publish date through September 11, 2002.

The Board received no written or email comments during the period between August 12, 2002 and September 11, 2002 regarding this issue. In addition, no responses were left on the "Public Comment Forum" site on the Virginia Townhall ([www.townhall.state.va.us](http://www.townhall.state.va.us)).

### Clarity of the Regulation

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

Prior to beginning work on the proposed regulations, the Board members carefully reviewed the regulations of other behavioral science boards, the regulations of other states, and continuing competency requirements of related professional associations. The Board also invited comment from representatives of state counseling associations and organizations to discuss alternative methods for regulation in open sessions of Board meetings, which had been noticed on the Townhall website and Commonwealth Calendar.

The Assistant Attorney General who provides counsel to the Board has been involved during the development and adoption of proposed regulations to ensure clarity and compliance with law and regulation.

The Board members have received positive comments from colleagues regarding the clarity and sensibility of the language that was adopted.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

The proposed amendments to these regulations will be reviewed following publication in the Register and the 60-day public comment period. If there are any oral or written comments received, the Board will consider revisions to the proposal prior to adoption of final regulations.

In addition, the Board receives public comment at each of its meetings and will consider any request for amendments. Petitions for rule-making also receive a response from the Board during the mandatory 180 days in accordance with its Public Participation Guidelines.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The proposed amendments will have no impact on the authority and rights of parents in the education, nurturing or supervision of their children. They may encourage self-pride for licensees who obtain additional training that they may not have otherwise pursued. The additional training may enhance the marital commitment for clients if a practitioner becomes more proficient in treating problems that may have been impacting the client's marriage. Disposable income of practitioners who are required to obtain the training will decrease depending on the type of training selected.